

REMARKS

In response to the above-identified U.S. Patent and Trademark Office action, Applicant is submitting herewith proposed new drawings which are believed to comply with the Examiner's objections. New FIGURES 2, 3 and 5 have been properly cross hatched and proposed new FIGURE 7 added. The proposed new FIGURE 7 is believed to clearly show curved peripheral portion (26) with the outer perimeter (26a) depressed further than the inner perimeter (26b) as disclosed on the bottom of page 6 of the instant specification as continued on the top of page 7. Acceptance of the new drawings is courteously solicited. Formal drawings will be filed on acceptance.

The specification has been amended to reflect the foregoing changes and also to correct the brief description of FIGURE 2.

The Examiner's allowance of claim 13 is gratefully acknowledged. This allowable claim has been rewritten in independent form as new claim 17.

In addition, generic claim 1 has been amended to clearly specify that the top and bottom bands (42, 44) are elongated as clearly shown in the drawings. Claim 3 has been amended to specify that the discontinuities (46, 48) are each positioned over an adjacent vacuum panel and the top band (42) extends over the major portion of the adjacent vacuum panel as clearly shown in FIGURE 1. Language changes have been made in claims 10 and 12, also as clearly supported.

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In addition to the foregoing, new claims 18 – 23 have been added. New claim 18 specifies a recessed portion (34) between the dome shaped portion (20) and side wall (12). New claim 19 specifies a shoulder (36) with a lower edge (38) beneath the recessed portion (34). New claim 20 specifies that the lower edge (38) of the shoulder (36) defines an upper label bumper and the upper edge (40) of the base (18) defines a lower label bumper.

New claim 21 specifies that the bottle (10) is a blow molded, plastic bottle, see for example, page 6, line 1. New claim 22 specifies that the vacuum panels (22) are vertically elongated and disposed about the circumference of the side wall as clearly shown, and new claim 23 specifies that the discontinuities (46) are located entirely over the central portion of an adjacent vacuum panel, also as clearly shown.

The present invention as defined by the claims is believed to obtain significant advantages over the art and are not at all believed to be contemplated thereby. Thus, the construction of the present invention provides greater support and makes the bottles desirably rigid in a hot fill situation. The at least two, specifically defined spaced apart discontinuities provide strengthening for the upper portion of the bottle. Moreover, the present construction advantageously provides more uniform flexing in the vacuum panels in a hot fill situation. The Examiner is respectfully referred to the bottle of page 8 of the instant specification.

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Moreover, it is courteously submitted that the applied art is not at all believed to suggest Applicants' claimed features.

The Valliencourt references clearly teach continuous upper and lower recessed ribs or bands. There is no teaching whatever for Applicants' advantageous upper rib construction.

The Tobias reference is not at all believed to rectify this defect. Tobias teaches that both the upper and lower ribs are a series of "short, peripherally-spaced ribs", see for example, the first indented paragraph of claim 1. Moreover, Tobias specifically requires that both the upper and lower ribs do not "extend completely above or below the narrow ends of the collapse panels", see the last line of page 4. These distinct features are clearly shown in the Tobias drawings and should be sharply contrasted with the claimed features of the present invention. Applicants' dependent claims are even more specific and are further removed from these references. Indeed, no reference shows Applicants' discontinuities over only the top band.

The other references are even further afield and contain no hint of Applicants' surprising and novel construction and findings.

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Favorable reconsideration is courteously solicited.

Respectfully submitted,

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AMENDMENTS TO THE DRAWINGS

Please substitute new FIGURES 1 – 7 as enclosed herewith for present FIGURES
1 – 6.